

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLOWWORKS, INC.,

Plaintiff,

Case No. 17-10075

Honorable Victoria A. Roberts

v.

SCOTT KRAFFT,

Defendant.

_____ /

ORDER DISMISSING CASE WITHOUT PREJUDICE

Plaintiff Glowworks, Inc. filed this case against Scott Krafft on January 10, 2017. The 90-day period to serve the complaint under Federal Rule of Civil Procedure 4(m) expired on April 10, 2017; Glowworks had not served Krafft as of that date.

On April 27, 2017, the Court ordered Glowworks to show cause why the case should not be dismissed for failure to prosecute. Glowworks responded to the order on May 8, 2017, stating that it: (1) believed Krafft had been evading service, which created the delay in serving him; (2) only recently obtained Krafft's current address; and (3) was "making every effort to locate and obtain service of process on [Krafft]."

Although Glowworks failed to provide details of the actions it had taken to serve Krafft, the Court sent Glowworks' counsel an email on May 10, 2017, stating, "The Court accepts your Response to the Order to Show Cause. However, if you need more time to serve the defendant, you may file an ex parte motion for additional time, advising the Court of how much time you anticipate in needing and if you need the summonses to be extended or reissued."

Despite being notified of its deficiency and the Court's attempt to accommodate its needs, Gloworks still has not served Krafft, and it has not moved for additional time to do so. Good cause does not exist for allowing this case to remain inactive for an indefinite period, like the one other case filed in this District by Gloworks. See *Gloworks, Inc. v. Michael Stevenson*, Case No. 16-13719 (complaint filed and summons issued on October 19, 2016, but no other activity has occurred in the case).

The case is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 4(m) and E.D. Mich. LR 41.2. See Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.").

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: May 24, 2017